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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09:883,430	06/18/2001	Reiner Maria Jungbult	NL 000337	2789

7590 01/16/2003

Corporate Patent Counsel
U.S. Philips Corporation
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Tarrytown, NY 10591

EXAMINER

HARPER, HOLLY R

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,430

Applicant(s)

JUNGBULT ET AL.

Examiner

Holly R. Harper

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 06/18/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ring, mentioned in claim 6, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation of the ring is not shown in the drawings nor is the description, on page 6 of the specification, sufficient to enable one in skilled in the art.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1 recites the limitation "the first direction" in Line 12. There is insufficient antecedent basis for this limitation in the claim. There is no evidence to support which direction is being referenced. For the purpose of examination, it is assumed that "the first direction" is a straight line in the y direction.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiroki et al. (JP 01186540) hereinafter "Hiroki".

In regard to claim 1, the Hiroki reference discloses a cathode ray tube with a display screen (Figure 1, Element 5), an electron gun (Figure 1, Element 10), and a deflection means (Figure 1, Element 6). The Hiroki reference also discloses a centering cup with a plate containing a central aperture and two outer apertures. The centering cup has slits, and two bridges between the slits. The slits are created so that a first line drawn between a first end of the first bridge and the first end of the second bridge intersects a second line drawn between a second end of the first bridge and a second end of the second bridge. The bisectrix of the intersecting lines is parallel to the y-axis (Figure 5).

In regard to claim 2, the Hiroki reference discloses a plate with the three apertures, and the slits being parallel to the plate (Figure 5).

In regard to claim 3, the Hiroki reference discloses the length of the slits being at least 50% of the diameter of the centering cup (Figure 5).

In regard to claims 4 and 5, the Hiroki reference discloses that the centering cup has two parts that are both circular symmetric jackets (Figure 5).

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8. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kazuaki (JP 61029046).

In regard to claim 1, the Kazuaki reference discloses a cathode ray tube with a display screen (Figure 2, Element 4), an electron gun (Figure 2), and a deflection means (Figure 2, Element 5). The Kazuaki reference also discloses a centering cup with a plate containing a central aperture and two outer apertures. The centering cup has slits, and two bridges between the slits. The slits are created so that a first line drawn between a first end of the first bridge and the first end of the second bridge intersects a second line drawn between a second end of the first bridge and a second end of the second bridge. The bisectrix of the intersecting lines is parallel to the y-axis (Figure 1).

In regard to claim 2, the Kazuaki reference discloses a plate with the three apertures, and the slits being parallel to the plate (Figure 1).

In regard to claim 3, the Kazuaki reference discloses the length of the slits being at least 50% of the diameter of the centering cup (Figure 1).

In regard to claims 4 and 5, the Kazuaki reference discloses that the centering cup has two parts that are both circular symmetric jackets (Figure 1).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroki et al. (JP 01186540) hereinafter "Hiroki".

The applicant fails to identify the use of a slit with a width of .1mm to solve any problem or yield any unexpected result that is not within in the scope of the teachings relied upon. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Thus it would have been an obvious design choice to one having ordinary skill in the art to provide a slit with a width of .1mm to the centering cup claimed by the applicant, since optimization of workable ranges is considered within the skill of the art.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuaki (JP 61029046).

The applicant fails to identify the use of a slit with a width of .1mm to solve any problem or yield any unexpected result that is not within in the scope of the teachings relied upon. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Thus it would have been an obvious design choice to one having ordinary skill in the art to provide a slit with a width of .1mm to the centering cup claimed by the applicant, since optimization of workable ranges is considered within the skill of the art.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Harper whose telephone number is (703) 305-7908. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Holly Harper
Patent Examiner
Art Unit 2879



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